

REMARKS/ARGUMENTS

This application has been carefully considered in connection with the Office Action dated December 10, 2007. Reconsideration and allowance are respectfully requested in view of the following.

Summary of Rejections

Claims 1-40 were pending in this patent application.

Claims 1-11 and 14-21 were objected.

Claims 35, 36, and 37 were rejected under 35 U.S.C. § 102(a).

Claims 1, 2, 4, 6-13, and 38-40 were rejected under 35 U.S.C. § 103(a).

Claims 22-34 were allowed.

Summary of Response

Claims 3-6, 8-11, 14, 19, and 25 have been amended.

Claims 1, 2, and 35-40 are canceled.

Claims 7, 12, 13, 15-18, 20-24, and 26-34 are as originally filed.

Summary of Claims Pending

Claims 3-34 are currently pending following this response.

Specification

Paragraphs 5, 8, 10, 19, 22, 23, 25, 30, 33, 34, 35, 36, 40, 43, 46, 47, 48, 49, 50, 51, 52, 53, 54, 57, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 77, 78, 80, 81, 82, 83, 84, 85, 88, 89, 90, 91, 92, 94, 95, 97, 99, 102, 103 and 105 have been amended to correct typographical errors. No new matter has been added.

Applicant Initiated Interview

Applicant thanks Examiner Nicholas Rosen for his time in the telephone interview on March 3, 2008. In the interview, Examiner Nicholas Rosen further clarified the statement in the allowability of claims 3 and 5 being conditional on the claims being, "rewritten in such fashion

as to make its elements unambiguous claim limitations, rather than potentialities or statements of intended purpose.” Examiner Nicholas Rosen suggested replacing the “operable to” language in these claims with positive recitations of the claim limitations. The claims have been amended herein as suggested by Examiner Nicholas Rosen.

Objections

In the Office Action dated December 10, 2007, claims 1-21 were objected to because of informalities.

Claim 1 has been canceled herein. Claims 3 and 5 have been rewritten in independent form to include the limitations of Claim 1. The limitations of Claim 1 included in Claims 3 and 6 have been amended to place “and” at the end of the third line of the claim. Claim 3 has been amended to read “time data”. Claim 14 has been amended to read “different from” and claim 19 has been amended to read “whether to accept or reject”. These amendments have been made in compliance with the Examiner’s recommendation.

Rejections under 35 USC § 102

In the Office Action dated December 10, 2007, Claims 35, 36 and 37 were rejected under 35 USC § 102(a) as anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over Glasspool, U.K. Patent Application Publication 2382152A (“Glasspool”).

Claims 35-37 have been canceled herein, rendering the rejections of these claims moot.

Rejections under 35 USC § 103

In the Office Action dated December 10, 2007, Claims 1, 2, 4, 6-13 were rejected under 35 USC §103(a) as being unpatentable over Faris, et al., U.S. Patent 6,677,858 (“Faris”) in view of Maybury, *Boot Camp; Online Auctions Part One*, (“Maybury”).

Claims 1 and 2 have been canceled herein, rendering the rejections of these claims moot. The dependency of claims 4 and 6-13 have been amended herein to depend directly or indirectly from allowable claim 3. Accordingly, Applicant respectfully requests allowance of dependent claims 4 and 6-13 for at least the reasons that claim 3 was indicated as allowable.

In the Office Action dated December 10, 2007, Claims 38-40 were rejected under 35 USC § 103(a) as being unpatentable over Glasspool as applied to Claim 35 above, and further in view of official notice.

Claims 38-40 have been canceled herein, rendering the rejections of these claims moot.

In the Office Action dated December 10, 2007, Claims 39 and 40 were rejected under 35 USC § 103(a) as being unpatentable over Glasspool as applied to Claim 35 above, and further in view of Faris.

Claims 39 and 40 have been canceled herein, rendering the rejections of these claims moot.

Allowable Subject Matter

In the Office Action dated December 10, 2007, Claims 3 and 5 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten independent form including all of the limitations of the base claim and any intervening claims. Claims 14-21

would be allowable if corrected based on the claim objections and Claims 22-34 were allowed. Each of claims 3 and 5 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Also, as noted above, the “operable to” language used in the limitations from claim 1 has been replaced with a positive recitation of the claim limitations. For example, the limitation, “an auction system operable to maintain information” has been amended herein to recite “an auction system that maintains information.”

In view of the amendments to the claims discussed above, Applicant submits that all of the pending claims 3-34 are in condition for allowance and allowance of these claims is respectfully requested.

Conclusion

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 50-1515, Conley Rose, P.C.

Applicant respectfully submits that the present application as amended is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

Respectfully submitted,

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